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today was not written for publication and is
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Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN JOHN CRAGUN

Appeal No. 2002-0648
Application 09/090,698

ON BRIEF

Before THOMAS, FLEMING, and BLANKENSHIP, Administrative Patent
Judges.

THOMAS, Administrative Patent Judge.

DECISION ON APPEAL

Appellant has appealed to the Board from the examiner's
final rejection of claims 6, 8-12, 18, 20-24, 30 and 32-36.

Representative claim 6 is reproduced below:

6. A method at a client for recovering from an invalid
address, comprising:

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sending a request to a server, wherein the request comprises an address;

receiving a response from the server, wherein the response comprises a message;

determining that the message indicates that the address is invalid;

altering the address to create a second address in response to the message; and

sending a second request to the server, wherein the second request comprises the second address,

wherein the determining step further comprises searching for the message in a user-selected list of error messages.

The following references are relied on by the examiner:

Nielsen	5,907,680	May 25, 1999 (filing date June 24, 1996)
Earl et al. (Earl)	6,041,324	Mar. 21, 2000 (filing date Nov. 17, 1997)
Berstis et al. (Berstis)	6,092,100	July 18, 2000 (filing date Nov. 21, 1997)

All claims on appeal stand rejected under 35 U.S.C. § 103. As evidence of obviousness, the examiner relies upon Earl in view of Nielsen as to claims 6, 8, 10, 11, 18, 20, 22, 23, 30, 32, 34 and 35, with the addition of Berstis as to claims 9, 12, 21, 24, 33 and 36.

Rather than repeat the positions of the appellant and the examiner, reference is made to the brief (no reply has been filed) and answer for the respective details thereof.

OPINION

As explained below, we sustain the rejection of all claims on appeal except for independent claims 6, 18 and 30. We do so for the reasoning set forth by the examiner in the answer including the responsive arguments portion thereof.

At the outset, we observe that appellant presents no arguments in the brief that the respective references are not properly combinable within 35 U.S.C. § 103. Each claim on appeal is considered to have effective arguments of patentability according to the groupings at pages 6 and 7 of the brief.

Each of independent claims 6, 18 and 30 have corresponding method, apparatus and program product limitations corresponding to each other. Among these claims the feature of "determining that the message indicates that the address is invalid" is more specifically recited to comprise "searching for the message in a user-selected list of error messages." We reverse the rejection of each of these respective claims because this latter quoted

feature is not taught or suggested among the teachings and suggestions of Earl and Nielsen nor are the arguments presented by the examiner as to their unpatentability persuasive.

The appellant's arguments are persuasive at pages 8-10 of the brief as to these claims essentially arguing that Earl and Nielsen fail to disclose or suggest searching for the message in a user-selective list of error messages. As noted at pages 8 and 9 of the brief, Nielsen's list of candidate URLs cannot be read on the present invention's feature of a user-selected list of error messages because the list of candidate URLs does not comprise a list of error messages. Basically, a list of URLs is not an error message in any form. The examiner's argument at page 9 of the answer that a user-selected list of error messages would read on any list that contains network addresses that can initiate error messages is not well-taken in the art.

Earl teaches at the top of column 8 the beginning discussion of error messages indicating a status code of 404 which indicates a file not found. Additionally, the top of column 6 begins a discussion in Nielsen of corresponding error messages received at a client from a server indicating that the server is not found and that the document requested is not found. There is no

indication in the combination of teachings and suggestions among both references that the browser associated with either patent maintains or searches for any of these or any other error messages among a list of "user-selected list of error messages" as required at the end of each of these independent claims on appeal. As such, the decision of the examiner rejecting independent claims 6, 18 and 30 is reversed.

On the other hand, we sustain the rejection of each other independent claim on appeal for the reasons set forth by the examiner in the answer. We are unpersuaded by the arguments presented at pages 10 and 11 of the brief as to independent claims 8, 20 and 32 which contains corresponding limitations in method, apparatus and program product form. These claims essentially require the sending of a second address as a text search term to a user-selected search engine at a second server and then correspondingly receiving each of the respective results.

We are persuaded of the obviousness of each of these independent claims 8, 20 and 32 on appeal based on the reasoning provided by the examiner at pages 9-11 of the answer. The examiner perceives the principal argument of appellant at page

11 of the brief as a challenge to the examiner's previous assertion that the use of search engines was known in the art. The evidence provided by the examiner at page 10 of the answer, which is not challenged by appellant in any reply brief since no reply brief has been filed, indicates that it was well-known that search engines were well-known in the art according to the documents listed having a date of 1995, which clearly precedes the filing date of this application. Even though we recognize that the references relied on for the rejection do not clearly teach or suggest the use of search engines, the evidence provided by the examiner here indicates that such are well-known in the art. It is also clear to us that the search engines may provide a response as indicating a plurality of search results. In closing as to these claims, we note that at least the Abstract of Earl indicates that a modified resource identifier or address clearly is used as a second address for accessing purposes at least a second or a plurality of successive times according to his teachings.

We turn now to the subject matter of independent claims 10, 22 and 34 which correspondingly recite methods, apparatus and program products focusing upon the creation of a list of domains and names by removing user-selected common address-components.

We are unpersuaded by appellant's arguments at pages 11-12 of the brief as to the patentability of these claims based upon the combination of teachings and suggestions of Earl and Nielsen. Initially, we do not agree with appellant's assertion at the top of page 12 of the brief that Earl and Nielsen do not disclose or suggest user selection of common address components. Clearly, this is a misplaced argument since all address components in any manual entry or otherwise in the browsers of both references is clearly user selectable. These would necessarily include so-called common address components as well.

Significantly, we note that Earl's teaching of removing the most specific portion of the previously determined invalid resource identifier or address to create a modified resource identifier and to do so successively until a valid one has been reached, necessarily includes the removal of common or possibly any type of addressable component. Appellant's arguments at page 12 recognize this implicitly. By arguing that certain known common address-components "are often not the most specific portion" is an unpersuasive argument since it implicitly includes the admittance that sometimes such common address components are the most specific portion. The examiner's reasoning at pages 11

and 12 of the answer emphasizes this in the context of the common address component "HTML." This is clearly considered to be an invalid address portion according to the showing in Figure 6 of Earl, which is also the most specific, the one that is first removed according to Earl's teachings.

We turn to the features of dependent claims 11, 23 and 35 which respectively depend from independent claims 10, 22 and 34. This set of claims is the last argued set in the first stated rejection. Appellant's arguments appear at pages 13 and 14 of the brief.

Implicitly, representative claim 11 on appeal includes the capability of matching a removed common address component name to a list of domains whose common address portion has also been removed and presenting such a match to the user. We are unpersuaded of the patentability of these claims with respect to the arguments presented at pages 13 and 14 of the brief. The examiner correctly makes reference to certain portions of Nielsen in the corresponding arguments at pages 12 and 13 of the answer. It is clear that both references to Earl and Nielsen provide inherent comparison or matching operations yielding the respective validity, invalidity determinations according to

their respective approaches. The teaching value of both references is clearly indicating to the artisan that such matching or comparison may be applied to domain names as well as any other type of address component.

The examiner has formulated the second stated rejection by adding the teaching value of Berstis to those of Earl and Nielsen respectively as to claims 9, 12, 21, 24, 33 and 36 within 35 U.S.C. § 103.

Again noting that the appellant's brief does not contest the combinability of Berstis to Earl and Nielsen, we are unpersuaded by appellant's arguments at pages 14-16 of the brief as to dependent claims 9, 21 and 33 which depend respectively from independent claims 8, 20 and 32. They recite the feature of determining whether any of the plurality of search result addresses are duplicates. As identified by the examiner in the answer, the references clearly teach the capability of presenting lists of addresses that result from search inquiries. The examiner's arguments in the answer at pages 7 and 13-14 are persuasive. The lists presented at the noted locations in Berstis clearly are inclusive of search results that may include duplicates. Figures 4 and 5 of this reference make clear

according to the flow charts that the candidate lists are displayed to the user for selection. A corresponding teaching is found in Earl at least with respect to Figure 14 and that the concept of duplicates is implicit within the showing of Figure 8c in Nielsen.

Finally, we address the features of dependent claims 12, 24 and 36 which depend as well from independent claims 10, 22 and 34, respectively. Significantly, these claims recite the calculation of domain codes using a hashing algorithm and the independent calculation of a name code using a similar hashing algorithm, and then matching the two name codes and the respective domain codes.

The examiner's reliance upon Berstis at pages 6 and 7 and the expanded arguments at pages 14 and 15 of the answer fully meet and address appellant's corresponding arguments as to these features at pages 16 and 17 of the brief.

In summary, we have reversed only the rejection of independent claims 6, 18 and 30 among the claims on appeal. Therefore, we have correspondingly affirmed the rejection of claims 8-12, 20-24 and 32-36 under 35 U.S.C. § 103. Therefore, the decision of the examiner is affirmed-in-part.

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No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

AFFIRMED-IN-PART

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Administrative Patent Judge)	
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